

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC HOLTON,

Plaintiff,

v.

JEFFREY MANLOVE and
TERRIE VAN WARD,

Defendants.

ORDER

Case No. 18-cv-746-wmc

Pro se plaintiff Eric Holton has been granted leave to proceed in this case against defendants Jeffrey Manlove and Terrie Van Ward on Eighth Amendment deliberate indifference claims related to their alleged failure to provide Holton medications to address his severe pain, anxiety and depression. Defendant Manlove responded to the complaint by filing a motion to dismiss or transfer this case, to which Holton did not respond by the June 18, 2021, opposition deadline set by the court. On June 25, 2021, the court issued an order observing that although there was some uncertainty as to whether Holton received that motion and the court's deadline because of his recent release from incarceration, it is Holton's responsibility to notify the court of any change in address. (Dkt. #13.) Therefore, the court gave Holton until July 14, 2021, to respond to defendant's motion, warning him that his failure to respond to the court's order would cause this court to dismiss this case without prejudice. That deadline has passed, and Holton has neither responded to the motion to dismiss or transfer, nor contacted the court to provide an updated address or seek an extension of the July 14 deadline. Accordingly, at this juncture, the court is dismissing Holton's claims in this lawsuit, including his claim against defendant

Vanward, without prejudice. Holton may seek leave to reopen this lawsuit, provided that he can show good cause for his failure to apprise the court of his address and respond to defendant's motion to dismiss or transfer.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Eric Holton's claims in this lawsuit are DISMISSED WITHOUT PREJUDICE.
- 2) The clerk of court is directed to close this case.

Dated this 2nd day of August, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge